

**PLACER COUNTY SUPERIOR COURT  
THURSDAY, CIVIL LAW AND MOTION  
DEPARTMENT 42  
THE HONORABLE CHARLES D. WACHOB  
TENTATIVE RULINGS FOR APRIL 8, 2021 AT 8:30 A.M.**

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These are the tentative rulings for the **THURSDAY, APRIL 8, 2021 at 8:30 A.M.**, civil law and motion calendar. The tentative ruling will be the court's final ruling unless notice of appearance and request for oral argument are given to all parties and the court by **4:00 p.m., WEDNESDAY, APRIL 7, 2021**. Notice of request for argument to the court must be made by calling (916) 408-6481. Requests for oral argument made by any other method will not be accepted. Prevailing parties are required to submit orders after hearing to the court within 10 court days of the scheduled hearing date and approval as to form by opposing counsel. Court reporters are not provided by the court. Parties may provide a court reporter at their own expense.

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**NOTE: TELEPHONIC APPEARANCES ARE STRONGLY ENCOURAGED FOR CIVIL LAW AND MOTION MATTERS.** (PLACER COURT EMERGENCY LOCAL RULE 10.28.) More information is available at the court's website: [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov).

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Except as otherwise noted, these tentative rulings are issued by the **HONORABLE CHARLES D. WACHOB**. If oral argument is requested, it shall be heard at **8:30 a.m.** in **DEPARTMENT 42** located at 10820 Justice Center Drive, Roseville, California.

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**1. S-CV-0022239 UMPQUA BANK v. DIAMOND CREEK**

Cross-Defendants' Motion to File Confidential Settlement Agreement under Seal

The motion is denied.

By way of an ex parte application by cross-defendants Stephen L. Des Jardins and Diamond Creek Partners, Ltd., the court shortened time for notice of hearing on their motion for an order authorizing sealing of a settlement agreement reached in this case. This case was resolved by way of confidential settlement agreement in April 2013 and the case was dismissed in September 2013. In the current motion, the moving parties seek an order from the court to file under seal the settlement agreement reached in this action, in a separate action currently pending against them, Ehlers Law Corporation v. Des Jardins, case no. S-CV-0045532. A request for a right to attach order and writ of attachment is

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currently set for hearing on April 15, 2021, in the Ehlers Law Corporation v. Stephen Des Jardins case.

The motion fails to comply with the mandatory requirements of California Rules of Court, Rule 2.551, which outlines the procedures for filing records under seal. Among other deficiencies, the subject settlement agreement has not been lodged with the court. (Rule 2.551(b)(4).) This failure alone deprives the court of the ability to weigh the factors that must first be considered by the court in order for documents to be sealed. (Rule 2.550(d).)

Additionally, unless confidentiality is required by law, court records are presumed to be open to the public (Rule 2.550(c)). When the court is asked to seal all or portions of a document it must make express factual findings that establish: (1) There exists an overriding interest that overcomes the right of public access to the record; (2) The overriding interest supports sealing the record; (3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) The proposed sealing is narrowly tailored; and (5) No less restrictive means exist to achieve the overriding interest. (Rule 2.550(d).) Here, even assuming the court had been provided with the subject settlement agreement, cross-defendants have completely failed in their memorandum and declaration to establish these factors. Conclusions to the effect that the settlement agreement contains private information that cross-defendants do not wish to share with the public are not a substitute for the showings required by Rule 2.550.

**2. S-CV-0039280 DROHAN, DAN v. CARAMAZZA CONSTRUCTION**

Cross-Defendant Summit Roofing, Inc.'s Motion for Determination of Good Faith Settlement

The unopposed motion is granted. Based on the standards set forth in *Tech-Bilt v. Woodward Clyde & Associates* (1985) 38 Cal.3d 488, the settlement at issue is within the reasonable range of the settling cross-defendant's proportionate shares of liability for plaintiffs' injuries and therefore is in good faith within the meaning of Code of Civil Procedure section 877.6.

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**3. S-CV-0041946 STERLING LAW GROUP v. DEV, LAL**

Plaintiffs' Motion to Compel Responses to Discovery and for Monetary Sanctions

The unopposed motion is granted. Defendant/Cross-Complainant Dogar Singh shall provide further verified responses and responsive documents, without further objections, to requests for admissions, set one; form interrogatories, set one; and request for production of documents, set one, by April 30, 2021.

The request for sanctions is denied at this time as the motion was unopposed but repeated conduct of failing to comply with discovery obligations may lead the court to find an abuse of the discover process and award sanctions on that basis. (*Laguna Auto Body v. Farmers Ins. Exchange* (1991) 231 Cal.App.3d 481, overruled on other grounds in *Garcia v. McCutchen* (1997) 16 Cal.4th 469, 478, fn. 4.)

**4. S-CV-0043528 CLUB AT WESTPARK v. ADAMS, BARBARA**

Oral argument will proceed as requested by the parties at 8:30 a.m. in Department 42 on the continued hearing date for the petition to compromise disabled person's claim.

**5. S-CV-0044158 KING, MARK v. LALANNE, CORINNE**

Michelle Wiederhold's Motion to be Relieved as Counsel for Defendant Corrine Lalanne

The appearance of the parties is required for the hearing on counsel's motion.

**6. S-CV-0044248 SLOSS, ERIN v. MASTERS JEWELERS**

Tim Hodson and Ashton & Price's Motion to be Relieved As Counsel for Plaintiff Erin Sloss

Tim Hodson and the law firm of Ashton & Price's motion to be relieved as counsel for plaintiff Erin Sloss is granted. (Code of Civil Procedure section 284(2); California Rules of Court, Rule 3.1362.) They shall be relieved as counsel of record effective upon the filing of the proof of service of the signed order upon Erin Sloss.

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7.           **S-CV-0045288    GRUNDMEIER, ERIC v. DELOYE, RYAN**

Petition for Approval of Minor's Claim for Eliana Grundmeier

The hearing on the petition is continued to Thursday, May 6, 2021 at 8:30 a.m. in Department 42. The court has carefully reviewed the petition and seeks further information from the petitioner. It appears from the petition that the injuries to this minor are very significant and that the insurance policy limits of the responsible driver fall far short of compensating the catastrophic injuries and losses suffered. Consequently, the court requests (1) clarification as to whether the other parties subject to the overall settlement, including Caitlin Marshall, Maureen Marshall and Matthew Swoyer, were represented and whether they have already received settlement funds; (2) detailed information in support of Paragraph 9 of the petition, including as to the investigation into the facts and circumstances of the accident, whether other responsible parties for the accident have been identified, and whether the insurance of defendant Deloye is the only source of potential financial recovery; and (3) further explanation and details as to Attachment 11b(6) as to how the potential settlement amounts were determined, negotiated or allocated amongst the competing claimants. Any further supplemental declarations shall be filed by April 29, 2021.

Petition for Approval of Minor's Claim for Adeline Grundmeier

The hearing on the petition is continued to Thursday, May 6, 2021 at 8:30 a.m. in Department 42. The court has carefully reviewed the petition and seeks further information from the petitioner. It appears from the petition that the injuries to this minor are very significant and that the insurance policy limits of the responsible driver fall far short of compensating the catastrophic injuries and losses suffered. Consequently, the court requests (1) clarification as to whether the other parties subject to the overall settlement, including Caitlin Marshall, Maureen Marshall and Matthew Swoyer, were represented and whether they have already received settlement funds; (2) detailed information in support of Paragraph 9 of the petition, including as to the investigation into the facts and circumstances of the accident, whether other responsible parties for the accident have been identified, and whether the insurance of defendant Deloye is the only source of potential financial recovery; and (3) further explanation and details as to Attachment 11b(6) as to how the potential settlement amounts were determined, negotiated or allocated amongst the competing claimants. Any further supplemental declarations shall be filed by April 29, 2021.

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**8. S-CV-0045496    CBM RFE v. BCP-GILROY**

The motion to dismiss is dropped from the calendar at the request of the moving party.

**9. S-CV-0045964    ECHOLCS, BENNY v. AUTOCAR**

The motion to compel arbitration is continued to Thursday, April 29, 2021 at 8:30 a.m. in Department 42 so that the court can consider the new evidence submitted with the reply papers while affording plaintiff an opportunity to respond to this new evidence. Plaintiff's response may be filed and served by Thursday, April 15, 2021. Defendant's response may be filed and served by Thursday, April 22, 2021.